

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

BILLY DRIVER,

Plaintiff,

v.

OFFICER CLAYTON, et al.,

Defendants.

Case No. [23-cv-02181-JSC](#)**ORDER OF DISMISSAL**

Re: Dkt. No. 7

On May 4, 2023, Plaintiff, a California prisoner proceeding pro se, filed this civil rights action under 42 U.S.C. § 1983. On the same day, the Clerk notified Plaintiff that he had neither paid the filing fee nor completed an application to proceed in forma pauperis (“IFP”).¹ The Clerk mailed Plaintiff the Court’s IFP application and form Complaint along with the deficiency notices, as well as a stamped return envelope and instructions for completing the forms. The notice informed him that the case would be dismissed if he did not file a Complaint and either pay the filing fee or file a completed IFP application within 28 days.

Plaintiff has not responded to this deficiency notice. The only response is a “Request for an Order to Show Cause” why Defendants should not be ordered to pay him \$10,000 per day since December 6, 2010, his “Earliest Possible Release Date.” (ECF No. 7 at 1, 3.) This does not address or explain his failure to pay the filing fee or file a completed IFP application.

As Plaintiff has not completed an IFP application, paid the filing fee, shown cause why

¹ The Clerk also notified him separately that he must file a Complaint within 28 days. (ECF No. 2.) This appears to have been in error because Plaintiff’s initial filing (ECF No. 1) is a Complaint despite its confusing title of “Request to File Complaint.” (ECF No. 7.) The Clerk’s notice directing Plaintiff to file a Complaint (ECF No. 2) is VACATED.

not, or requested an extension of time, and the deadline to do so has passed, this case is
DISMISSED without prejudice. His "Request" for an Order to Show Cause is DENIED.

The Clerk shall enter judgment and close the file.

This Order resolves docket entry number 7.

IT IS SO ORDERED.

Dated: July 13, 2023


JACQUELINE SCOTT CORLEY
United States District Judge